

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NOVO NORDISK A/S, et al.,

Plaintiffs,

-vs-

Case No. 05-40188  
Hon: AVERN COHN

CARACO PHARMACEUTICAL  
LABORATORIES, LTD., et al.,

Defendants.

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**ORDER**

Plaintiffs' Novo Nordisk A/S and Novo Nordisk, Inc.'s (Novo) motions (D/E 318)

- to dismiss Defendant's Caraco Pharmaceutical Laboratories, Ltd. And Sun Pharmaceutical Industries, Ltd.'s (Caraco) Count IV of Caraco's Third Amended Answer And Counterclaim (Doc. 309) (for an order requiring correction of a "use code") and
- to strike Caraco's Sixth Affirmative Defense In Caraco's Third Amended Answer And Counterclaim (Doc. 309) (patent misuse by providing the FDA with a materially misleading "use code" for U.S. Patent No. 6,677,359)

are DENIED.

SO ORDERED.

Dated: August 19, 2009

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s/ Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, August 19, 2009, by electronic and/or ordinary mail.

\_\_\_\_\_  
s/ Julie Owens  
Case Manager, (313) 234-5160